

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

BRENDA WILLIAMS,

Civil Action File No.

Plaintiff,

v.

WAL-MART, INC.,

Defendant.

_____ /

NOTICE OF REMOVAL

COMES NOW WAL-MART, INC., named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WAL-MART, INC. in the Superior Court of Lee County, Georgia, which is within the Albany Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 22CV00186RS. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about June 2, 2022. Defendant WAL-MART, INC. received service of summons and a copy of the Complaint on June 3, 2022. Defendant WAL-MART, INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Walmart, Inc. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Walmart, Inc. is 708 SW 8th Street, Bentonville, AR 72716.

4.

Brenda Williams is a citizen of the State of Georgia.

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

Plaintiff claims serious bodily injury, pain and suffering, past and future medical expenses as referenced in Plaintiff's Complaint (Exh. A), and seeks \$400,000 in damages as referenced in Plaintiff's July 20, 2021 demand letter (Exh. B). The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

7.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the Superior Court of Lee County, Georgia for the above-styled case. Defendant is further attaching a copy of Plaintiff's July 20, 2021 demand letter as Exhibit "B".

9.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

10.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Superior Court of Lee, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WAL-MART, INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Middle District of Georgia, Albany Division.

McLAIN & MERRITT, P.C.

/s/ Ernest L. Beaton, IV
Ernest L. Beaton, IV
Georgia Bar No. 213044
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CERTIFICATE OF SERVICE

This is to certify that on June 28, 2022, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

 /s/ Ernest L. Beaton, IV
Ernest L. Beaton, IV
Georgia State Bar No. 213044
Attorneys for Defendant

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